IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WA.No. 1042 of 2004()

AGAINST THE JUDGEMENT/ORDER IN WPC.34747/2003 Dated 05/11/2003
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APPELLANTS:
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1. THE JOINT REGIONAL TRANSPORT OFFICER, NORTH PARAVOOR.

2. THE REGIONAL TRANSPORT OFFICER, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. M.R. SABU

RESPONDENTS: PETITIONER

P.P.SANTHOSH, PALATHINKAL HOUSE, KARINGAMTHURUTHU, KONGORPILLY, ALANGAD, ERNAKULAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON 21/12/2006 DELIVERED THE FOLLOWING:

V. K. BALI, C.J. &
C.N.RAMACHANDRAN NAIR, J.

W.A. NO. 1042 OF 2004

Dated this the 21st day of December, 2006

JUDGMENT

Ramachandran Nair,J.

This Writ Appeal is filed by the RTO challenging the order of the learned single Judge approving fitting of hydraulic jack on respondent's mini truck for mechanised unloading of goods. It is seen that the learned single Judge has followed another judgment of this Court produced as Ext.P3 holding that hydraulic jack can be permitted to be fitted on a truck without approval of the department, as the same does not involve any structural variation under Section 52(6) of the M.V. Act. Ext.P3 was rendered in 2003 and counsel for the respondent submitted that several vehicles have been fitted with hydraulic jack based on Ext.P3 and other judgments of this Court. Appellant's have no case that Ext.P3 judgment stands reversed. In any case, we do not find any ground to deviate from the reasoning contained in Ext.P3. We

therefore uphold the judgment of the learned single Judge and dismiss the Writ Appeal.

(V. K. BALI)
Chief Justice

(C.N.RAMACHANDRAN NAIR)
Judge